

PROVIDING FOR THE PRESERVATION OF THE HISTORIC CONFINEMENT
SITES WHERE JAPANESE AMERICANS WERE DETAINED DURING WORLD
WAR II, AND FOR OTHER PURPOSES

JUNE 21, 2005.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1492]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1492) to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. PRESERVATION OF HISTORIC CONFINEMENT SITES.

(a) **PRESERVATION PROGRAM.**—The Secretary shall create a program within the National Park Service to encourage, support, recognize, and work in partnership with citizens, Federal agencies, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the purpose of identifying, researching, evaluating, interpreting, protecting, restoring, repairing, and acquiring historic confinement sites in order that present and future generations may learn and gain inspiration from these sites and that these sites will demonstrate the Nation's commitment to equal justice under the law.

(b) **GRANTS.**—The Secretary, in consultation with the Japanese American National Heritage Coalition, shall make grants to State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations to assist in carrying out subsection (a).

(c) **PROPERTY ACQUISITION.**—

(1) **AUTHORITY.**—Federal funds made available under this section may be used to acquire non-Federal property for the purposes of this section, in accordance with section 3, only if that property is within the areas described in paragraph (2).

(2) **PROPERTY DESCRIPTIONS.**—The property referred to in paragraph (2) is the following:

- (A) Jerome, depicted in Figure 7.1 of the Site Document.
- (B) Rohwer, depicted in Figure 11.2 of the Site Document.
- (C) Topaz, depicted in Figure 12.2 of the Site Document.

(D) Honouliuli, located on the southern part of the Island of Oahu, Hawaii, and within the land area bounded by H1 to the south, Route 750 (Kunia Road) to the east, the Honouliuli Forest Reserve to the west, and Kunia town and Schofield Barracks to the north.

(3) NO EFFECT ON PRIVATE PROPERTY.—The authority granted in this subsection shall not constitute a Federal designation or have any effect on private property ownership.

(d) MATCHING FUND REQUIREMENT.—The Secretary shall require a 25 percent non-Federal match for funds provided under this section.

(e) SUNSET OF AUTHORITY.—This Act shall have no force or effect on and after the date that is 2 years after the disbursement to grantees under this section of the total amount of funds authorized to be appropriated under section 4.

SEC. 2. DEFINITIONS.

For purposes of this Act the following definitions apply:

(1) HISTORIC CONFINEMENT SITES.—(A) The term “historic confinement sites” means the 10 internment camp sites referred to as Gila River, Granada, Heart Mountain, Jerome, Manzanar, Minidoka, Poston, Rohwer, Topaz, and Tule Lake and depicted in Figures 4.1, 5.1, 6.1, 7.1, 8.4, 9.2, 10.6, 11.2, 12.2, and 13.2, respectively, of the Site Document; and

(B) other historically significant locations, as determined by the Secretary, where Japanese Americans were detained during World War II.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) SITE DOCUMENT.—The term “Site Document” means the document titled “Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Sites”, published by the Western Archeological and Conservation Center, National Park Service, in 1999.

SEC. 3. PRIVATE PROPERTY PROTECTION.

No Federal funds made available to carry out this Act may be used to acquire any real property or any interest in any real property without the written consent of the owner or owners of that property or interest in property.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary \$38,000,000 to carry out this Act. Such sums shall remain available until expended.

PURPOSE OF THE BILL

The purpose of H.R. 1492 is to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Two years after the bombing of Pearl Harbor, President Roosevelt signed Executive Order 9066 that called for all people of Japanese ancestry residing on the west coast, most of whom were American citizens, to be placed in relocation camps (1942–1945). This action represented the largest forced relocation in U.S. history—over 120,000 Japanese-American citizens and Japanese aliens were uprooted from their homes and interned in sites throughout the country. While there are two units in the National Park System that preserve and interpret the internment period (Manzanar National Historic Site and Minidoka Internment National Monument) there are many who believe that other internment sites should also be preserved whether or not they become a unit of the National Park System. With the passage of time, much of the sites’ physical infrastructure has been lost. In addition, those persons with memories of the confinement are increasingly being lost.

H.R. 1492 would direct the Secretary of the Interior to establish a 25% matching grant program within the National Park Service to support partnerships with governmental and nongovernmental organizations to identify, protect, interpret and restore historic con-

finement sites. The bill expressly makes 10 internment sites eligible for the grant program; they are the relocation centers that are known as Gila River, Granada, Heart Mountain, Jerome, Manzanar, Minidoka, Poston, Rohwer, Topaz, and Tule Lake. The bill also makes other confinement sites eligible for the grant program if they are determined by the Secretary to be historically significant. The bill would also authorize \$38 million to conduct the grant program. Examples of such other historically significant sites include, but are not limited to, any of the assembly centers or U.S. Department of Justice or military installations where people were detained pursuant to Executive Order 9066 during World War II.

The Committee recognizes that H.R. 1492 grants the Secretary of the Interior the authority to approve additional historic confinement sites, and therefore these too would then be eligible for funds under the Act. Examples of sites that may be approved include, but are not limited to, any of the assembly centers, the Crystal City World War II Alien Family Internment Camp in Texas, or the Gordon Hirabayashi Recreation Site in Arizona. Grants would be made subject to agreements with the Secretary of the Interior assuring that funds will be used consistent with the purposes of the Act. Further, any property acquired using federal grants under the Act will be subject to agreements or easements in perpetuity that ensure the use of such lands are also consistent with the purposes of the Act.

COMMITTEE ACTION

H.R. 1492 was introduced on April 6, 2005, by Congressman William M. Thomas (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks. On April 14, 2005, the Subcommittee on National Parks held a hearing on H.R. 1492. On May 18, 2005, the Resources Committee met to consider the bill, at which time the Subcommittee was discharged from further consideration of the bill by unanimous consent. Chairman Richard Pombo (R-CA) offered an amendment in the nature of a substitute that was agreed to by unanimous consent. The amendment clarifies the location of lands which are eligible for purchase using grant funds, and specifies that purchases of these lands may occur only on a willing seller basis. The amendment also clarifies that H.R. 1492 creates no federal designation or limitations on private lands. H.R. 1492, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1492—A bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II

Summary: H.R. 1492 would direct the National Park Service (NPS) to provide grants to nonfederal entities to restore and preserve sites associated with the internment of Japanese Americans during World War II. The grants would be used for up to 75 percent of the costs of protecting significant sites, including those to identify, acquire, and interpret them. For this purpose, the bill would authorize the appropriation of \$38 million. Assuming appropriation of the authorized amount, CBO estimates that implementing the bill would cost \$38 million over the 2006–2010 period.

Enacting the bill would not affect direct spending or revenues. H.R. 1492 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1492 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment). For this estimate, CBO assumes that the authorized amount would be appropriated over the next five years and paid to nonprofit organizations and other entities as needed.

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	8	8	8	8	6
Estimated Outlays	6	8	8	8	8

Intergovernmental and private-sector impact: H.R. 1492 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis. Impact on State, Local, and Tribal Governments: Marjorie Miller. Impact on the Private Sector: Jean Talarico.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

